IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 11245 of 1994

Between:

Konda Girija, W/o. Late Lakshmaiah.
Rajakala Colony, Mangalagiri,
Guntur.

..... PETITIONER

AND

1 The District Collector, Khammam.
2 The Collector, Survey and Land Records,
Khammam.
3 The Director, Survey and Settlement,
Govt. of A.P., IV Floor,
Gagan Vihar, OPP: Gandhi Bhavan, M.J.Road, Hyderabad.
4 The Conservator of Forests, District Forest Officer,
Khammam.
5 Divisional Forest Officer, Palavancha Division,
Khammam.
6 Mandal Revenue Officer, Pinapaka Revenue Mandal,
Khammam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus direct the respondents 1 to 6 take immediate effective steps for releasing the Petitioners land of Ac.50-00 demarcated as gut Survey No.26/1, Standing patta in the name of Petitioners late father Sajja Seetharama Das situated at Sarjathupally Village, Pinapaka Revenue Mandal, Khammam District from the reserve forest area of Survey No.26 finally reserved under G.O.Ms.No.1642/F&A, dated 16/06/1965 issued by the forest department including for delivery of possession of the said released land to the petitioner as well as finalisation of supplementary sethwar by the Director Survey and Settlement, Government of A.P.

Counsel for the Petitioner: MR. A. ANANTHA REDDY
Counsel for the Respondents: GP FOR REVENUE

The Court made the following O R D E R:

The writ petition has been filed seeking a direction to respondent No.4 for deletion of Ac.50.00 gts of patta land covered by Sy.No.26/1 Sarjathupally Village, Pinapaka Revenue Mandal, Khammam District, from the notified reserve forest and to hand over the said land under panchanama to the petitioner. She states that it was wrongly included as reserve forest area. The whole case of the petitioner appears to be that the land was wrongly demarcated and it belongs to her.

In the counter-affidavit, it has been stated that the land falls part of reserve forest comprising of Acs.825.00. The preliminary notification under Section 4 of the Andhra Pradesh (Telangana Area) Forest Act, 1355 Fasli (for short "the Act") was published in the gazette on 17-08-1957. After the publication of the notification, the Forest Settlement Officer made the proclamation under Section 6 of the Act, inviting claims from the persons, having rights in the area. The Forest Settlement Officer adjudicated all the cases filed before him and passed orders, which were finally approved by G.O.Ms.No.1642, Food and Agriculture (Forest.III) dated 16-06-1965. The land has all along been in the possession of the Forest Department.

Since the land has been proclaimed and notified as forest land and is in continuous possession of the respondents as claimed by them, I do not think any directions can be passed in this writ petition. The writ petition is misconceived, which is accordingly dismissed. No order as to costs.

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(Bilal Nazki, J)

20th January, 2005.

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To

1 The District Collector, Khammam.
2 The Collector, Survey and Land Records,
Khammam.
3 The Director, Survey and Settlement, Govt. of A.P., IV Floor,
Gagan Vihar, OPP:Gandhi Bhavan, M.J.Road, Hyderabad.
4 The Conservator of Forests, District Forest Officer,
Khammam.
5 Divisional Forest Officer, Palavancha Division,
Khammam.
6 Mandal Revenue Officer, Pinapaka Revenue Mandal,
Khammam.

7 Two CCs to the Government Pleader for Revenue, High Court

Buildings, Hyderabad.(O.U.T.)

8 Two CD copies.